

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

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THE HONORABLE LYNN N. HUGHES, JUDGE PRESIDING

NATIONAL OILWELL VARCO LP,	)	
	)	
Plaintiff,	)	CRIMINAL ACTION NO.
	)	4:22-CV-2006
v.	)	
	)	
JULIO GARZA,	)	
	)	
Defendant,	)	
	)	

**MOTION HEARING**

OFFICIAL REPORTER'S TRANSCRIPT OF PROCEEDINGS

Houston, Texas

June 21, 2022

**APPEARANCES:**

For the Plaintiff:	Stuart W. Lapp, Esq.
	Bret Davis, Esq.
	Joshua Allen Redelman, Esq.
For the Defendant:	Audrey F. Momanaee, Esq.
For Array Technologies:	Rachel P. Steely, Esq.

Reported by: Mary Nancy Capetillo, CSR, RPR, TRR  
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Southern District of Texas  
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Proceedings reported by computerized stenotype  
machine.

EXHIBIT

A

**PROCEEDINGS**

THE COURT: Good afternoon.

MR. LAPP: Good afternoon, Your Honor.

THE COURT: To the extent that afternoons here wouldn't be anybody's first choice recreationally.

All right. Who is here for Varco?

MR. LAPP: Your Honor, Stuart Lapp, L-A-P-P, for National Oilwell Varco. My co-counsel Joshua Redelman and Bret Davis.

MR. DAVIS: Good afternoon, Your Honor.

THE COURT: Is it okay if I just call it Varco?

MR. LAPP: Yes, sir, or you can call it NOV which is how they -- but whatever you prefer, Your Honor.

THE COURT: Well, there are too many initials and things, right, that have to be there. Let's just call your client Varco.

MR. LAPP: Yes, Your Honor. And, Your Honor, if we could also introduce -- we brought our two summer associates with us today, law students at University of Houston, Nicholas Boden and Victoria Lujan. They're just here to observe.

THE COURT: I would suggest that they sit in the jury box because they'll be closer, and from

1 order. He later modified the order to require that  
2 instead of the forensics being done in accordance with  
3 that order that the actual electronic storage devices be  
4 turned over to Defendant's counsel's possession. There  
5 is no further order for any forensics work. So we did  
6 that.

02:24:30 7 THE COURT: Can you all work out a  
8 forensics order?

02:24:37 9 MS. MOMANAEE: Yes, Your Honor, I think we  
10 can. We got to the point where I thought we had. Back  
11 on June 10th, Your Honor, I sent a revised version of an  
12 agreed protocol that we had all discussed amongst  
13 ourselves and I believed to be final. Array's counsel  
14 believed it to be final; and we had had discussions,  
15 multiple discussions about the terms of that. They had  
16 redlined it. I thought it was done. That was on June  
17 10th. It was sent to counsel. Counsel said that they  
18 would talk to NOV about it, and it never got returned or  
19 dealt with.

02:25:08 20 Since that time, Your Honor, importantly,  
21 very importantly, yesterday Varco dismissed Array from  
22 the case which caused us to, in that event, realize that  
23 removal was absolutely proper here; and that's why we're  
24 in front of you today, because they had alleged  
25 improperly but they had alleged that Array was a Texas

1 some type of technology that they may want, which is  
2 absolutely wrong which they can see now that they have  
3 nonsuited us because we've been doing it for so long.  
4 That's not what he's brought in for.

02:32:24 5 There's been nothing found on the system.  
6 As a matter of fact, there was one document; and I think  
7 everyone has agreed that that's not trade  
8 secret/confidential information of NOV, and we've been  
9 taken out of the lawsuit. So the threat of any type of  
10 injury, if Mr. Garza is working for us, we believe is  
11 gone as Ms. Momanaee had just talked about earlier.  
12 And, listen, I'll just say this: Array doesn't want  
13 their information.

02:32:57 14 THE COURT: Pardon?

02:32:57 15 MS. STEELY: Array doesn't want NOV  
16 information. That's not why Mr. Garza was hired.

02:33:06 17 MS. MOMANAEE: Yes, Your Honor?

02:33:07 18 THE COURT: What are your thoughts on what  
19 you've learned while they were talking?

02:33:12 20 MS. MOMANAEE: Well, I mean, what  
21 Ms. Steely says is dead-on; and I think to echo the  
22 point, Array has been in business for a long time. In  
23 fact, the project that Mr. Garza was working on for NOV  
24 was called a "me too" project. He was trying to develop  
25 something like what Array does. It's not like he was

1 expedited discovery. One of the discovery requests that  
2 Varco sent to Mr. Garza was to run searches of his -- of  
3 every -- well, I could find the request; but anyway they  
4 asked to run searches for 58 terms, 58 search terms. I  
5 personally ran those searches. I personally have looked  
6 at his email account. I personally produced that  
7 document because it said NOV on it, Your Honor.

02:48:43 8 There is not -- I think that they think  
9 that -- I actually don't think that they think that  
10 there is stuff there; but even if they did, I can tell  
11 the Court, I've reviewed it. I produced documents last  
12 night to them. I'm still waiting on documents from them  
13 including, Your Honor, the 200 documents that they say  
14 are this confidential information. I haven't gotten it  
15 because they haven't even produced to us the  
16 confidential information which is the basis for the  
17 claims in this case, not received. But I personally  
18 went through Mr. Garza's email. That's what I produced  
19 from it. He did use his email for personal reasons. He  
20 did not use it for work. I looked at it. I'll just say  
21 that.

02:49:25 22 Your Honor, with regard to the venue  
23 issue, you asked a question of Mr. Lapp earlier: Why  
24 was it brought in Grimes County? It's because the  
25 proper venue under the agreement that they're now